

# GUÅHAN ANCESTRAL LANDS COMMISSION

## INFORMATION AND INSTRUCTION SHEET

The Guåhan Ancestral Lands Commission was set up by Guam Public Law 25-45 to pass title of federal excess lands, once returned to Government of Guam, back to original landowners or their heirs. Guam Public Law 25-178 sets the missions, mandates, powers and jurisdiction of the Commission in processing claimant applications for Deed of Title.

### WHAT YOU NEED TO DO:

Basically, you need to:

1. File a **Claim of Interest (COI)** at the Guam Department of Land Management (see Form #2 included in this application package). *Please complete but make sure you sign it in front of a notary.* The COI does two (2) things:

- (a) the person named on the COI is making a meritorious claim on the subject property;
- (b) the person named on the COI is making a public declaration on their claim on the property.

Claims of Interest must be recorded for *each lot* being claimed, and pay a \$25.00 *recording fee per lot* to the Guam Department of Land Management (1 original and 3 copies are needed for recordation). Please submit a copy of your recorded COI with you application.

For Off-Island Claimants: Please have a relative or representative on-island do this for you.

2. File an **Ancestral Title and Compensation Application** with our Commission along with the following (included in this application package):
  - (a) "**Ancestral Title and Compensation Application**" (see Form #3) - fill in all information you can, sign and date where required.
  - (b) "**Affidavit of Applicant**" (see Form #4) - *please complete but do not sign it.*
  - (c) "**Request for Abstract of Title and Surveyor's Certification**" (see Form #5).

In returning the above documents **please also provide:** a **copy of applicant's birth certificate** and a **family tree** to your level in the heirs which would show any other possible interests to the property, including those relatives' names and addresses. This would help us cross-reference any other applications that may be submitted to our office claiming interest on the property.

Additionally, if possible, inform all your relatives a claim has been made in behalf of your common ancestor(s). While each claimant is entitled to make a claim individually, it would be best to collectively appoint one spokesperson, administrator or administratrix to handle this process in consideration of separate recordation fees, legal fees, and other fees. A family group appointment may be requested to confer with the Executive Director on lot and landowner information, or to clarify any concerns.

**For further information, please contact us at (671) 473-5263 or 5267. Our hours for intake and inquiry are: 9:00a.m. to 12:00p.m. and 1:00p.m. to 4:00p.m., Monday to Friday. IMPORTANT: Please call ahead for notary service to make sure the Notary is on duty.**

**Thank you for your patience and cooperation. We look forward to serving you.**

**GUÅHAN ANCESTRAL LANDS COMMISSION**

**RECORDATION** )  
 )  
**DEPARTMENT** )  
 )  
**OF** )  
 )  
**LAND MANAGEMENT** )

### CLAIM OF INTEREST

**THIS INSTRUMENT** is made on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_, whose mailing address is \_\_\_\_\_, heir to the **Estate(s) of** \_\_\_\_\_.

### RECITALS

**WHEREAS**, the above referenced individual(s) are either Original Landowner(s) or an heir of the Original Landowner(s) of that area of real property designated as:

**Lot** \_\_\_\_\_ **Municipality of** \_\_\_\_\_  
**Condemned under Civil Case No.** \_\_\_\_\_

**WHEREAS**, the above referenced Original Landowner(s) or heir(s) of the Original Landowner(s) desire to give public notice of meritorious legal claim and title of said **Lot**.

**NOW, THEREFORE**, including the recital stated above, the above referenced Original Landowner(s) and heir(s) state and declare the following:

1. The above referenced Original Landowner(s) and heir(s) maintain a meritorious legal claim and title to **Lot** as described above.
2. The above referenced Original Landowner(s) and heir(s) hereby give public notice of their meritorious legal claim and title to said **Lot** and that said **Lot** be returned to the **Estate(s) of** \_\_\_\_\_, by way of said heir(s).

Signature: \_\_\_\_\_

Print or Type Name: \_\_\_\_\_

**For the Estate(s) of** \_\_\_\_\_

Claim of Interest

Lot \_\_\_\_\_ Municipality of \_\_\_\_\_

Condemned under Civil Case No. \_\_\_\_\_

**Guam, U.S.A.    )**  
**) ss.**  
**City of Hagåtña)**

**ON THIS** \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

before me, a Notary Public in and for GUAM, U.S.A., personally appeared

\_\_\_\_\_, heir of the

Estate(s) of \_\_\_\_\_, and

he/she acknowledges to me that he/she executed the foregoing instrument on behalf of said estate, for himself/herself and his/her heir(s), as his/her voluntary act and deed for the purpose therein set forth.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affix my official seal the day and year first above written.

\_\_\_\_\_  
NOTARY PUBLIC

GALC CLAIM REGISTRY  
NUMBER CR# \_\_\_\_\_

ANCESTRAL TITLE and COMPENSATION APPLICATION

**Form #3**

**APPLICANT INFORMATION:**

Name of Registered Applicant:	_____	Applicant's Social Security #:	_____
	Last First Middle		
Applicant's Address:	_____		
	Home Address (House # / Street / Village)	Mailing Address	
Applicant's Contact #:	Home: _____	Work: _____	Other: _____

**PROPERTY INFORMATION:**

Property Lot Number:	_____	Property Tract or Estate:	_____	Area (Square Meters):	_____
Location of Property:	_____				

**CLAIMANT (ORIGINAL LANDOWNER) INFORMATION:**

Person Claimed Holding Ancestral Title (Claimant):	_____	Applicant's Relationship to Claimant:	_____
	Last First Middle		
If Claimant is living please provide:			
Claimant's Address:	_____		
	Home Address (House # / Street / Village)	Mailing Address	
Claimant's Contact #:	Home: _____	Work: _____	Other: _____

**REQUIRED DOCUMENTS TO BE SUBMITTED:**

_____	Sworn Affidavit that:
_____	ancestral title has not been extinguished in relation to any part of the land claimed.
_____	all of the statements made in the application are true.
_____	includes all information known to the applicant about interest in relation to any of the land or water concerned that are held by persons other than as ancestral title holders.
_____	Evidence of heirship.
_____	A detailed description and map, if available, of the area over which the ancestral title is claimed.

**FOR GUÅHAN ANCESTRAL LANDS COMMISSION USE ONLY - DO NOT MARK**

*Date of Submittal:*

*Application Received by:*

\_\_\_\_\_  
*Applicant - please PRINT name*

\_\_\_\_\_  
*Applicant - please SIGN and DATE*

**AFFIDAVIT OF APPLICANT**

I, \_\_\_\_\_, being first duly sworn, do hereby state as follows:  
(Name of Applicant)

1. That I am the \_\_\_\_\_ of \_\_\_\_\_  
(Relationship to Claimant) (Name of Claimant)  
(hereinafter referred to as "Claimant").

2. To my knowledge, Claimant was the owner of \_\_\_\_\_,  
(Description of Property)  
Municipality of \_\_\_\_\_, also known as \_\_\_\_\_  
(Historic or Ancestral Property Name)  
(hereinafter referred to as "the Property").

3. It is my belief that Claimant's ancestral title to the Property has not been  
extinguished in relation to any part of the Property.

4. To my knowledge, Claimant is the only party with any interest to the Property.

5. Attached hereto are true and correct copies of documents evidencing my heirship  
to the Property.

6. The attached is a list of all persons and their last known addresses, who are known  
to me to be persons with an interest or potential interest to the Property.

7. Should title to the Property be restored in the name of the Claimant who is  
deceased, I declare that I am qualified to serve as the Administrator of the Claimant's Estate and  
will ensure that probate for the Claimant is opened and the respective interests accounted for and  
distributed according to Guam's probate laws.

8. I solemnly swear that the information stated above is true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

**IN WITNESS WHEREOF**, I hereby affix my signature this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

APPLICANT:

\_\_\_\_\_  
(Signature of Applicant)

**SUBSCRIBED AND SWORN** to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

## GUÁHAN ANCESTRAL LANDS COMMISSION

---

**TO: All “Category 1” Applicants  
Original Landowners and Heirs of Original Landowners**

As a requirement, the Commission is requesting that you submit the following with your Application:

- (1) an **Abstract of Title** prepared by a Title Company (*one per lot*)
- (2) a **Surveyor's Certification** prepared by a Registered Land Surveyor (*one per lot*)

The Commission was originally going to undertake the task of providing the Abstracts of Title but due to lack of research staff, the Commission is unable to do so.

The Commission was also originally going to contract private surveyor services for Surveyor Certifications but no funds were approved for this purpose by the Legislature.

These documents will assist the Commission in confirming Title to the property being applied for as well as the location of the property.

Attached is a list of Title Companies and Registered Land Surveyors from which you can choose. *Please note that the Commission is prohibited from making referrals.* For further information contact our office at 473-5263.

## Professional Land Surveyors

PLS 075
<b>BALAGTAS, Dennis</b>
<i>PR BALAGTAS &amp; ASSOCIATES, INC.</i>
P.O. Box 6216 Tamuning, GU 96931
Tel: 637-2042

PLS 062
<b>BALAGTAS, Prudencio R.</b>
<i>PR BALAGTAS &amp; ASSOCIATES, INC.</i>
P.O. Box 6216 Tamuning, GU 96931
Tel: 637-2042

PLS 019
<b>CASTRO, Francisco L.G.</b>
N/A
P.O. Box 1119 Hagatna, GU 96932
Tel: 687-2746 / 653-7250

PLS 073
<b>CRUZ, Raymond A.</b>
<i>RLS Services, LLC</i>
P.O. Box 5296 Hagatna, GU 96932
Tel: 828-5962

PLS 049
<b>DOLOR, Gil A.</b>
N/A
P.O. Box 7035 Tamuning, GU 96931
Tel: 632-0591

PLS 076
<b>EATON, David E.</b>
<i>TG ENGINEERS, PC</i>
PMB 641, 535 Ch. Pale R.H. Suite 116 Yigo, GU
Tel: 647-0828

PLS 065
<b>IGNACIO, Nestorio C.</b>
<i>DUENAS CAMACHO &amp; ASSOCIATES, INC.</i>
238 E. Marine Corps Dr., Suite 201 Hagatna, GU 96910
Tel: 477-7991

PLS 080
<b>KEA, Kevin K.</b>
<i>ACE LAND SURVEYING, LLC</i>
1221 Kapiolani Blvd., S-1008 Honolulu, HI 96814
Tel: 487-3257

PLS 061
<b>MOYA, Roberto A.</b>
<i>MOYA CONSULTING</i>
P.O. Box 11131 Yigo, GU 96929
Tel: 653-0194

PLS 077
<b>OLIVARES, Virgilio P.</b>
<i>V.P OLIVARES SURVEYING, LLC</i>
P.O. Box 4740 Hagatna, GU 96932
Tel: 734-5856

PLS 033
<b>PERRY, Ronald G.</b>
N/A
P.O. Box 4330 Hagatna, GU 96932
Tel: 787-4795

PLS 060
<b>SANTOS, Efren B.</b>
--
147 Dama De Noche Lane, Latte Hts Estates, Mangilao GU 96913
Tel No: 898-0060 / 632-1767

PLS 068
<b>SANTOS, Meliton S.</b>
<i>MELITON S. SANTOS &amp; ASSOCIATES, INC.</i>
P.O. Box 2506 Hagatna, GU 96932
Tel: 477-4247

PLS 068
<b>SANTOS, Paul L.</b>
<i>DEPT. OF LAND MANAGEMENT, GOVGUAM</i>
590 S. Marine Dr., S-733 Tamuning, GU 96931
Tel: 649-5263 ext. 293

PLS 054
<b>VENTURA, Roberto R.</b>
N/A
P.O. Box 8645 Tamuning, GU 96931
Tel: 969-8076 / 688-3698

PLS 064
<b>VILLAFLORES, Generalismo A.</b>
<i>SELF EMPLOYED</i>
139 D. G. Benavente Dededo, GU 96929
Tel: 646-7991



## **TITLE RESEARCH AND TITLE INSURANCE COMPANIES**

### **SECURITY TITLE, INC.**

Phone: 647-8100  
Fax: 647-8170  
Address: 865 South Marine Corp. Drive  
Suite 202 B  
Orlean Pacific Plaza, Tamuning

### **TITLE GUARANTY OF GUAM**

Phone: 477-7147  
Fax: 477-1071  
Address: 316 Herman Cortez Avenue  
Hagåtña

### **\*NOTE:**

**Guam Ancestral Lands Commission will only honor Title Research and Title Insurance Companies that will guarantee there work 100%. As of June 8, 2004, only Title Guaranty of Guam has an unrestricted guarantee to all abstracts issued by their company. Any Title Insurance Company that limits the liability to their research work will not be accepted by GALC.**

## GUÅHAN ANCESTRAL LANDS COMMISSION

---

Dear Ancestral Land Claim Applicant:

By Board Resolution, the Guam Ancestral Lands Commission (GALC) has established a **Claims Facilitation** process to assist you in the review and processing of your Ancestral Title and Compensation Application.

When your Application is finally completed and ready to be scheduled for a Title Hearing, you should know that:

- you are entitled to *represent yourself* in Commission proceedings

OR

- you may appoint or select a *personal representative or a legal representative* to assist you

OR

- you may seek assistance from *the Commission* to process your Application and advocate your claim in your behalf.

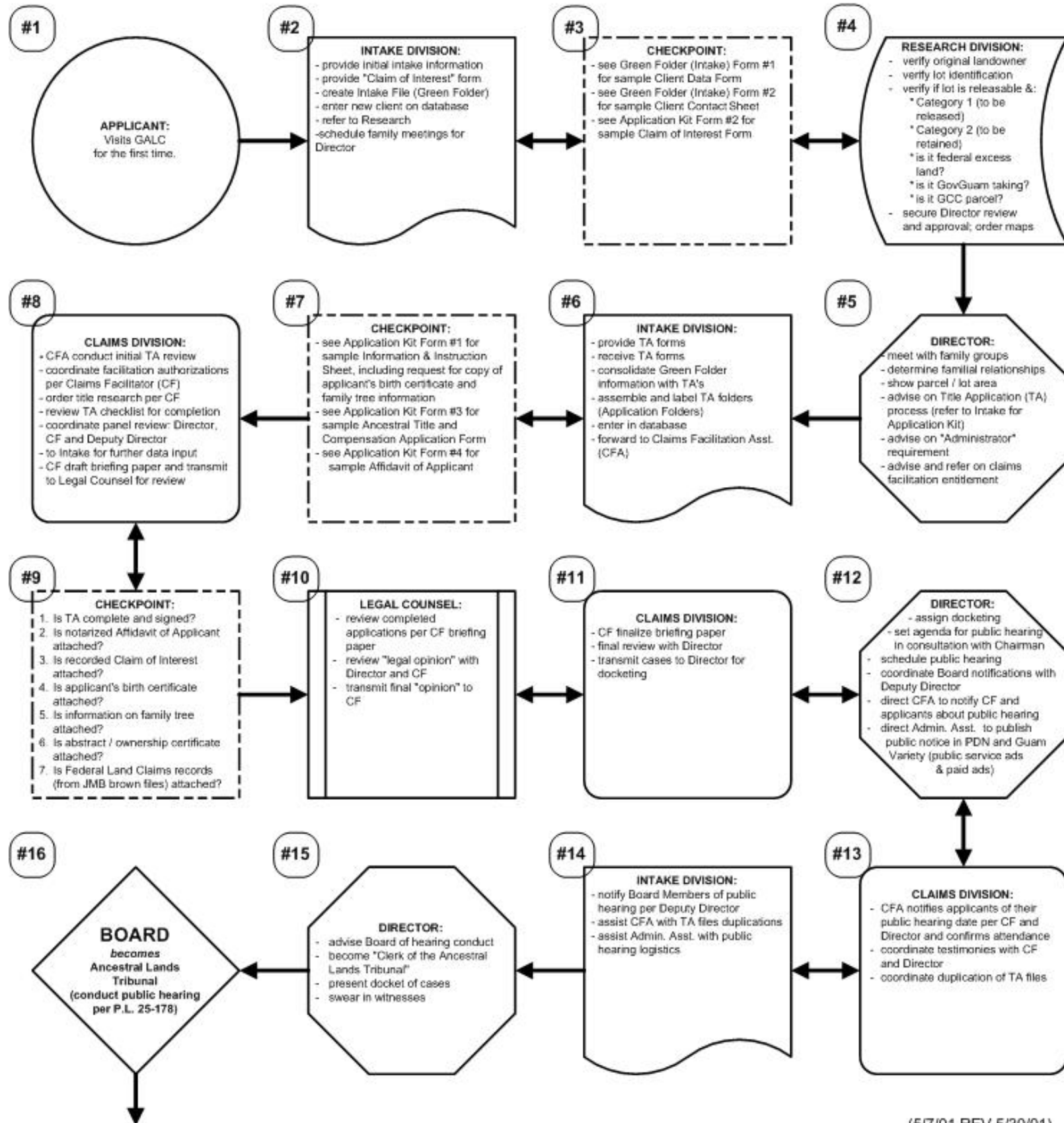
Whichever you decide, we welcome your Application and look forward to working with you through the GALC Ancestral Land Return or Just Compensation Programs. For further information contact our office at 473-5263.

## GUAM ANCESTRAL LANDS COMMISSION

## 7-POINT CHECKLIST FOR PROCESSING APPLICATIONS

There are seven (7) checkpoints in the processing of Title Applications to ensure the accuracy of information:

1. The Applicants themselves.
2. Intake Division review.
3. Research Division review.
4. Claims Division review.
5. Legal Counsel review.
6. Public Hearing.
7. Commission Vote.



**GUAM ANCESTRAL LANDS COMMISSION**  
**Rules and Regulations, Public Law 25-178**

**Section 80103.14. Hearing Conduct.**

**(a) Once the matter has been scheduled for a hearing, the hearing shall be conducted in the following manner:**

- (1) all final determinations shall be heard before the Commission;
- (2) where the Commission conducts the public hearing it shall be presided over by the Chairman, or in the absence of the Chairman, the Vice-Chairman, or in the absence of the Vice-Chairman, by another member designated as the Presiding Officer by the Commission;
- (3) the hearing shall be conducted in such a way as to afford to interested persons a reasonable opportunity to be heard on matters relevant to the determination of the filed claim and to obtain a clear and orderly record;
- (4) the Presiding Officer shall have authority to administer oaths or affirmations and to take all other actions necessary for the orderly conduct of the hearing;
- (5) each such hearing shall be held at the time and place set in the notice of hearing, but may at such time and place be continued by the Chairman, Vice-Chairman or Presiding Officer from day to day, or adjourned to a later date or to a different place without notice *other than* the announcement thereof at the hearing; and
- (6) at the commencement of the hearing, the Chairman, Vice-Chairman or Presiding Officer shall read the notice of hearing and shall then outline briefly the procedures to be followed; evidence shall then be received with respect to the determinations specified in the notice of hearing in such order as the Presiding Officer shall prescribe.

**(b) Submission of evidence shall include the following:**

- (1) Before giving testimony, every witness shall state that person's name, address and any representative capacities in which the witness serves, and shall give other information respecting appearance as the Presiding Officer may request. The Presiding Officer shall confine the evidence presented to the questions before the hearing and may receive evidence whether or not the evidence would be admissible in a court of law, *and* every witness shall be subject to questioning by the members of the Commission.
- (2) All interested persons or agencies shall be afforded an opportunity to submit data, views or arguments which, in the opinion of the Presiding Officer, are relevant to the determinations specified in the notice of the hearing. In addition, persons or agencies may also file with the Commission signed, written protests, comments or recommendations in support of or in opposition to the proposed determination.
- (3) Testimony given at the public hearing shall be received in evidence and made a part of the record. All supporting written statements, maps, charts, appraisals or similar data offered in evidence at the hearing, and which are deemed by the Commission to be authentic and relevant, shall be received in evidence and made a part of the record. *Unless* the Commission finds that the furnishing of copies is impracticable, seven (7) copies of the exhibits shall be submitted, *unless* otherwise specified.

**Section 80103.15. Commission Action.**

The Commission shall fully consider the testimony under oath, all relevant believable evidence and the whole of the record before making its determination. The Commission shall issue a written decision in a timely fashion, stating the factual basis for its decision.

**Section 80103.16. Contested Case Hearing Procedures.**

The following procedures shall be followed in conducting a contested case hearing before the Commission.

(a) The Chairman or Presiding Officer shall convene the hearing and shall read the nature of the filed Claim.

(b) Each party or the party's representative shall have the following rights:

- (1) to examine all documents; documents which a party does not have an opportunity to see shall not be used in making a determination;
- (2) to bring witnesses to testify for the party;
- (3) to establish all relevant facts and circumstances through verbal testimony or documents;
- (4) to advance any arguments without undue interference;
- (5) to question or refute any testimony or evidence presented by another party including the opportunity to cross-examine witnesses called by another party as authorized by the Presiding Officer; and
- (6) to be notified either before or during the hearing if the Commission or Presiding Officer plans to consider facts not in evidence.

(c) At any time before the filing of a final decision, the Commission, for good cause shown may reopen the case for the reception of further evidence.

**Section 80103.17. Commission Decision.**

The Commission shall consider the whole record, and will resolve all questions of fact by what it deems to be the greater weight of evidence thereon, and make a final written decision stating the reasons or basis therefore and enter an appropriate determination.

**Section 80103.18. Rehearing.**

The Commission may entertain a written petition to reconsider or rehear its final decision. The petition shall be determined promptly. Denial of such petition shall be in writing with the reasons stated therefore. Petition to reconsider or rehear any final determination of the Commission shall be filed not later than ten (10) days after a person is served with a certified copy of the final written decision and order of the Commission.

**Section 80103.19. Extinguishment of Ancestral Land Claim.**

After the Commission has made a final determination in favor of a Claimant, the ancestral land Claim will be duly registered and extinguished. In exchange for a deed of title, the ancestral titleholder surrenders all rights and interests in relation to ancestral land claims thereby permanently extinguishing all rights, interests and claims. Upon the Commission's issuance of a deed of title, the ancestral titleholder's name is entered into the Ancestral Lands Title Register by the Commission. The deed of title shall be subject to any existing conditions, covenants, restrictions and easements of record in conformance with existing government of Guam Land Use Law.

**Section 80103.20. Notification of Extinguishment of Ancestral Claims.**

The Commission shall ensure that all parties whose interests may be affected in the extinguishment of an ancestral Claim are notified in writing, if possible, and through public notice in a Guam newspaper of general circulation.

**Section 4.** Section 80104(c) of Title 21 of the Guam Code Annotated, as added by Public Law Number 25-45:3, is hereby repealed and reenacted to read as follows:

**"(c) Four (4) Step Process for Extinguishment of Claims, Award of Just Compensation, and Recordation of Ancestral Land Title.**

The following four (4) step process shall be detailed within appropriate written procedures and rules and regulations to be prescribed by the Commission.

**Step 1: Filing of Ancestral Claim.**

Applicant in this first step submits an application to the Commission containing applicant's assertion that applicant and others, *if any*, hold ancestral title in relation to a specified lot of land by virtue of inheritance. Based upon the information provided, the Commission shall make a determination *if* in fact a valid basis for an ancestral title claim exists. The ancestral title claim shall then be entered in the Claims Registry. The Claims Registry shall contain the information required to be entered, as established by the Commission by rules and regulations. The Commission must accept an application for determination of claim, provided the following minimum information is given:

1. date on which application was submitted to the Commission;
2. whether the application was submitted to the Commission, or Commission's designee, and the name of the Commission or designee;
3. name and address for service of notification to the person(s) who is the claimant (This is the person who shall be the registered ancestral title claimant.);
4. the area of land covered by the claim, including property descriptions and maps;
5. description of the persons who it is claimed hold the ancestral title; *and*
6. other details about the claim as the Commission may deem appropriate.

The Claims Registry may be inspected by any member of the public during normal business hours. No part of the Claims Registry are to be kept confidential from the public. The Commission must ensure that the Claims Registry is kept updated with details of any claims contained in applications given to the Commission, or of any application for amendments to a claim after a determination.



## Step 2: Ancestral Title and Compensation Application.

An applicant may exercise the applicant's right to extinguish an ancestral claim by submitting an application to the Commission for a determination of a conditional title and compensation award. An applicant may submit an application in prescribed form for any of the following ~~three (3)~~ two (2) categories defined:

### Category 1: Ancestral Title Determination.

For a determination of ancestral title in relation to an area for which there is no approved determination of ancestral title;

### Category 2: Compensation Application.

This Chapter sets forth (2) forms of compensation for future title claims which shall be either the return of original ancestral land, or just compensation, as defined in Section 80101 of this Act, based upon mutually satisfactory negotiations between the government and the applicant. Before relinquishment of exchange land the Commission shall certify that the exchange lands show no history of ancestral ownership or ancestral ownership claim on or after January 1, 1930.

The Commission must accept ancestral title and compensation application provided the following requirements are met by the claimants:

- (1) that the kind of application falls within the ~~three (3)~~ two (2) categories defined above;
- (2) is in the prescribed form, as established by the Commission;
- (3) contains the information required and as prescribed in relation to the matters sought to be determined;
- (4) provide accompanying documents at the very minimum of which include:
  - (a) a sworn affidavit that the applicant:
    - (i) believes that the ancestral title has not been extinguished in relation to any part of the land claimed; and
    - (ii) believes that all of the statements made in the application are true;
  - (b) a statement containing all information known to the applicant about interests in relation to any of the land or waters concerned that are held by persons other than as ancestral title holders;
  - (c) a description and map of the area over which the ancestral title is claimed;
  - (d) evidence of heirship;
  - (e) name and address of the person who is to be considered the claimant (The name of the person given under this item will become the registered ancestral title claimant.); and
- (5) all accompanying fees as prescribed by the Commission.

## Step 3: Conditional Award of Just Compensation.

In awarding ancestral title and just compensation, the Commission shall issue a Certification of Award of Just Compensation on Condition of Extinguishment of Ancestral Title Claim. The Certification of Award of Just Compensation shall be entered into the Conditional Awards Registry. The Conditional Awards Registry shall contain as much of the information in relation to each determination as must be entered into the Register, at minimum of which shall consist of:

- (1) the name of the Commission or designee that made the determination;
- (2) date on which the determination was made;
- (3) area, location, and description of specific land covered by the determination;
- (4) the matters determined; and
- (5) other details about the determination or decision as the Commission deems appropriate.

The Conditional Awards Registry shall be made available for the public's inspection during normal business hours.

## Step 4: Extinguishment of Ancestral Land Claim.

An ancestral land claimant is granted claimant's land title either by land exchange or land recovery on the condition that the ancestral title holder surrenders all rights and interests in relation to the ancestral land claims thereby permanently extinguishing all rights, interests and claims to the claims. Upon the Commission's issuance of title by an award of just compensation and extinguishment of claims, the ancestral title holder's name is removed from the Conditional Awards Registry, and is entered into the Ancestral Lands Title Register by the Commission. The Commission shall prescribe the appropriate form to effectuate issuance of compensation and extinguishment of ancestral claims. The Commission shall ensure that the ancestral title holder is issued a suitable property conveyance deed in full satisfaction of ancestral title holder's ancestral title award. Once listed as ancestral title holder after acceptance of specifically described land, the holder and all of holder's heirs, successors and assigns, and those who may assert subsequent claims derived from the holder, are forever barred from reentry into the Claims Registry.